

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**JUVENILE OFFICER**

**RESPONDENT,**

**W.J., S.C. AND C.M.**

**RESPONDENTS,**

**v.**

**A.S.M. (MOTHER)**

**APPELLANT.**

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DOCKET NUMBER WD76303

DATE: March 4, 2014

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Appeal From:

Cass County Circuit Court  
The Honorable J. Michael Rumley, Judge

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Appellate Judges:

Division One: Cynthia L. Martin, Presiding Judge, Mark D. Pfeiffer, Judge and Karen King Mitchell, Judge

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Attorneys:

Julie A. Highley-Keutzer, Harrisonville, MO, for respondent Juvenile Officer.

Lynn S. Laffoon, Peculiar, MO, for appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
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**RESPONDENT,**

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**RESPONDENTS,**

**v.**

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**APPELLANT.**

No. WD76303

Cass County

Before Division One: Cynthia L. Martin, Presiding Judge, Mark D. Pfeiffer, Judge and Karen King Mitchell, Judge

A.S.M. ("Mother") appeals from the trial court's entry of judgments of disposition finding that, pursuant to section 211.183.7, RSMo, the Children's Division is not required to make reasonable efforts to reunify S.C., W.J., and C.M. with Mother. Mother argues that the trial court's finding that Mother subjected S.C., W.J., and C.M. to a severe act or recurrent acts of physical, emotional, or sexual abuse was not supported by substantial evidence and was against the weight of the evidence. In particular, Mother claims that there was insufficient evidence to establish that she knew or should have known that her husband was sexually abusing one or more of the children.

**AFFIRMED.**

**Division One holds:**

Section 211.183.1 requires that the Children's Division make reasonable efforts to reunify a child with his or her parent after the child has been removed from the home. Section 211.183.7 provides an exception to that requirement: the Children's Division need not make reasonable efforts to reunify a child with his or her parent if the trial court finds that the parent "has subjected the child to a severe act or recurrent acts of physical, emotional or sexual abuse toward the child."

The trial court was free to consider the totality of the evidence to determine whether Mother knew or had reason to know that her husband was sexually abusing one or more of the children. The weight of the evidence supported the trial court's conclusion. The trial court chose to give credence to S.C.'s testimony, and this Court is bound by that credibility determination.

Further, Mother's conduct after learning of S.C.'s pregnancy supports the conclusion that Mother had reason to suspect S.C. had been abused by Mother's husband. Mother never contacted the police, despite S.C.'s report that she had been raped by an unknown boy while she was at a relative's house and despite being instructed by S.C.'s doctor to do so. Finally, even after being informed that her husband was the biological father of S.C.'s child, Mother indicated that she was working on her marriage, and although her husband was incarcerated in the county jail awaiting trial, Mother continued to live in the same residence she shared with her husband and his family.

Opinion by Cynthia L. Martin, Judge

March 4, 2014

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